IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 10486 of 2006(W)

PETITIONER:

ROSAMMA RAJU,
SIJIN VILLA, MUTTOM P.O., THUMPAMON VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.VADAKARA V.V.N.MENON
SRI.T.N.SUKUMARAN

RESPONDENTS:

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1. THE SENIOR DIVISIONAL COMMERCIAL MANAGER
DIVISIONAL OFFICE, SOUTHEN RAILWAY, TRIVANDRUM-14.

2. THE DIVISIONAL RAILWAY MANAGER,
DIVISIONAL OFFICE, SOUTHERN RAILWAY, TRIVANDRUM-14

3. UNION OF INDIA,
REPRESENTED BY THE GENERAL MANAGER,
SOUTHERN RAILWAY, CHENNAI-3.

BY ADV. SRI.JAMES KURIAN, SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF TENDER NOTICE NO. V/C.40/TELEPHONE BOOTH/2003 WITH THE QUOTA DISTRIBUTION STATEMENT.

EXT.P2 TRUE PHOTOCOPY OF RELEVANT PORTION OF THE NOTIFICATION IN MATHRUBHUMI DAILY DATED 2.4.2003

EXT.P3 TRUE PHOTOCOPY OF REPRESENTATION DATED 5.1.2006 SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS 1 AND 2

EXT.P4 TRUE PHOTOCOPY OF JUDGMENT DATED 7.10.2005 OF WRIT PETITION NO. 19271 OF 2005 T OF THIS HON'BLE COURT.

EXT.P5 TRUE PHOTOCOPY OF REPLY LETTER/ORDER NO. V/C40/STD/TELEPHONE BOOTH/AWY/2005 DATED 4.1.2004 ISSUED TO THE PETITIONER IN WPC 19271 OF 2005 T

EXT.P6 TRUE PHOTOCOPY OF REPLY LETTER/ORDER NO. V/C/40/STC/TELEPHONE BOOTH/TVC/06 DATED 13.2.2006 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R1 TRUE COPY OF THE MINUTES OF TENDER COMMITTEE DATED 16.2.2004

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 10486 OF 2006

Dated this the 2nd day of February, 2007

JUDGMENT

Petitioner submitted tender in 2004 for installing telephone both in Railway station at Trivandrum. The petitioner happens to be the wife of a senior Stenographer in the office of the Divisional Commercial Manager, who was chairing the Tender Committee. Since petitioner did not disclose the relationship to the railway official, petitioner's tender was rejected by the Tender Committee. No other tender was considered and EMD was returned to petitioner and others. However, in 2005 fresh tenders were invited wherein petitioner also participated. Though petitioner's tender was accepted, competitively another person succeeded based on terms more acceptable to Railway. In the circumstance, the challenge against rejection of her first tender does not survive at all. W.P. is therefore closed. However, it will be open to the petitioner to challenge fresh award if there is any fraud in it, inasmuch as 100% of telephone charges are paid to railways by the awardee, which is unusual and strange.

(C.N.RAMACHANDRAN NAIR)
Judge